

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUAN HERNANDEZ and JAMES
DOSSETT, on behalf of themselves
and all others similarly situated
v.

CIVIL ACTION NO.
4:16-CV-03577

CITY OF HOUSTON, TEXAS

STATE OF TEXAS

COUNTY OF HARRIS

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Steven Spears, who upon being duly sworn, deposed and stated as follows:

"My name is Steven Spears. I am employed as a police officer for the city of Houston, Harris County, Texas and I currently hold the rank of Captain. I have been employed as a Houston police officer for 23 years. I am currently assigned to the Houston Police Department's Jail Division and more specifically, as the Captain overseeing jail operations. In the course and scope of my assignment as Captain over the jail, I am familiar with the jail booking process and the transport of prisoners to the Harris County jail. I am over eighteen years of age, am of sound mind, and am qualified to make this affidavit. I have never been convicted of a crime. Unless otherwise stated, the facts stated herein are true and correct and are based upon my personal knowledge. I acquired this knowledge through the course and scope of my assignment with the Jail Division and through my years of experience as a Houston Police Officer.

When a Houston police officer arrests a person for a class A or B misdemeanor, the suspect is brought to the City jail for processing. That process will include: medical assessment by jail medical staff, search of the prisoner, inventorying of personal property, photographing of the prisoner, fingerprinting and identification through the Automated Fingerprint Identification System [AFIS] where it can be determined if they are wanted by any other law enforcement agencies. During this booking process, the Harris County District Attorney's office prepares and files formal charges with the appropriate court under a specified cause number and a bond amount is entered. Once formal charges have been filed and a bond is set, these prisoners are considered ready for transport to the Harris County jail. Within the HPD Jail Division these prisoners are considered "paper ready" meaning they are ready for transport to the Harris County jail.

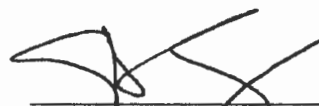
**Affidavit of
Steven Spears, Captain
Houston Police Department**

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Generally, the class A and B misdemeanor prisoners are ready for transport within a 24 hour period of their arrival at the City jail.

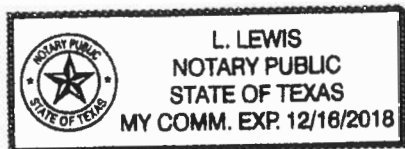
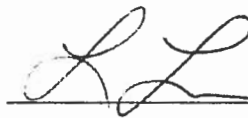
The City jail operates 24 hours a day. During a 24-hour period, HPD Jail Division personnel are able and prepared to transport prisoners to the Harris County jail every 2 hours. Prior to each transport, the City jail personnel contact the Harris County Sheriff's office, which operates the Harris County jail, to determine how many prisoners they will accept and thus how many they will allow the HPD to transport to the Harris County jail. The Sheriff's Department has authority to restrict the number of "paper ready" prisoners they will accept for transport. When the Harris County Sheriff's office refuses to accept all prisoners ready for transport or only accepts a small number, the prisoners not accepted and transferred to Harris County jail remain in the City jail. Thus, the time the prisoners remain in the City's custody increases. Because the Harris County Sheriff's Department controls the Harris County jail, HPD is unable to transport more prisoners than the Harris County Sheriff is willing to accept.

I am aware that the Harris County Criminal Courts established time critical magistration procedures to allow prisoners who have not been accepted by the Harris County Sheriff within 44 hours to be brought before a hearing officer on an emergency basis. This procedure recognizes that there are times when the Sheriff's Department will not accept custody of prisoners charged with a class A or B misdemeanor within forty-eight hours. The procedures recognize that if the Sheriff does not timely accept custody of prisoners, the normal process for presenting the prisoners before the county hearing officers cannot occur, thus requiring an emergency process. HPD does not have the ability, on its own, to require the Harris County Sheriff to accept custody of prisoners."



Steven Spears, Captain
Houston Police Department

SWORN TO AND SUBSCRIBED before me on this 9th day of Feb, 2017.

NOTARY PUBLIC
in and for Harris County, Texas